IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 4748 of 2005

Between:

1 R. Babaiah S/o. Late R. Balaiah, Business,
R/o. 2-4-402, Ramgopal pet, Secunderabad.
2 R. Jagadish S/o. R. Babaiah, Business,
R/o. 2-4-402, Ramgopal Pet, Secunderabad.
3 R. Venkat Rao S/o. Late R. Malla Rao, Business,
R/o. 40 HIG, Vanasthalipuram, Hyderabad.
4 Smt. R. Indumathi W/o. R. Venkat Rao, Business,
R/o. 15 HIG, Vanasthalipuram, Hyderabad.
5 Sri R. Anup Chakravarthy S/o. R. Venkat rao, Student,
R/o. Plot No. 23, Sharadha Nagar, Hayathnagar, R.R. District.

..... PETITIONERS

AND

1 Principal Secretary to Government, Municipal Administration & Urban Development, Government of Andhra Pradesh at Secretariat.
2 The Commissioner of Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
3 Additional Commissioner of Municipal Corporation, Secunderabad Division, S.P. Road, Secunderabad.
4 Deputy Commissioner of M.C.H. S.P. Road, Secunderabad Division.
5 Assistant Commissioner of M.C.H. S.P. Road, Secunderabad Division.
6 President, The Babu Bagh Welfare Association,
Prenderghat Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue and appropriate writ or order or direction particularly one in the nature of Writ of Mandamus by declaring the impugned action of the first respondent in not disposing of the revision petition filed by the first petitioner and his late mother dt. 8-8-2000 in file No. 17177/M2/2000 as Arbitrary, illegal and contrary to law and provisions of Hyderabad Municipal Corporation Act 1955 besides violative of Art. 14 of Constitution of India and may be please to direct the first respondent to dispose of the revision petition filed by the first petitioner along with his late mother
dt. 8-8-2000 in File No. 17177/M2/2000 forthwith by passing appropriate orders by giving opportunity to the petitioners.

Counsel for the Petitioners : MR.J.ASHVINI KUMAR

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 to 5: J. Jyothi Kiran

The Court, at the stage of admission, made the following :

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ORDER:

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Petitioners claim to have filed a revision under Section 679 of the Hyderabad Municipal Corporation Act, 1955, (for short 'the act') before the 1st respondent, aggrieved by the modification of layout in favour of the 6th respondent. Their grievance is that though the revision was presented way back in the year 2000, it has not been disposed of as yet.

Heard the learned counsel for the petitioners, the learned Government Pleader for Municipal Administration and the learned Standing Counsel for Municipal Corporation.

Section 679 of the Act provides for revision against any orders passed by the Corporation either granting or refusing construction permissions or layouts. The petitioners availed the remedy of revision, aggrieved by the modification of the layout in favour of the 6th respondent. If the revision is kept pending for years together and the constructions are brought about under the very orders which are challenged, the purpose of filing the revision gets defeated. There does not exist any justification for keeping the revision for such a long time.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders in the revision filed by the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to

costs.

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(L.NARASIMHA REDDY,J)

Date: 11-03-2005

Note: Office to issue c.c.

in three days.

(B/o.)

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To

1 The Principal Secretary to Government, Municipal Administration & Urban Development, Government of Andhra Pradesh at Secretariat.
2 The Commissioner of Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
3 The Additional Commissioner of Municipal Corporation, Secunderabad Division, S.P. Road, Secunderabad.
4 The Deputy Commissioner of M.C.H. S.P. Road, Secunderabad Division.
5 The Assistant Commissioner of M.C.H. S.P. Road, Secunderabad Division.
6 The President, The Babu Bagh Welfare Association, Prenderghat Road, Secunderabad.

7 2 C.Cs. to the Government Pleader for Municipal Administration and Urban Development, High Court of A.P., Hyderabad. (O.U.T.)

8 2 CD copies